

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
October 28, 2003

- STUDY SESSION

Meeting was called to order at 6:32 p.m.

Council Present: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson.

- > NEW TIGARD LIBRARY PROJECT UPDATE

Library Director Margaret Barnes reviewed the recent events and accomplishments related to the new Tigard Public Library. The new library project remains on schedule and within budget. As a result of being within the budget the project now has the opportunity to add some additional features to the new library. These features include: enhancements to the Community Meeting Room, the development of the Coffee Bar and additional furnishings for public spaces. To fully implement these enhancements, project financial resources will now need to be allocated to targeted areas.

Hall Street Boulevard work is expected to be completed in November.

Council will tour the construction site on Saturday, November 22, at 9 a.m.

- EXECUTIVE SESSION: Not held.
- ADMINISTRATIVE ITEMS:
 - TVF&R Lunch rescheduled to December 3 at noon.
 - Bull Mountain – meeting calendar reviewed. First Coffee Talk will take this place on Thursday, October 30.
 - The Land Use Board of Appeal oral argument in the Media Art case has been rescheduled to November 20, 6 p.m. at Lewis and Clark Law School

- Revised Resolutions for Consent Agenda Items 3.3 and 3.4. These agenda items both contain resolutions for the Council's consideration. The effective date of the resolution was not specified in the draft resolutions. The revised resolutions note that each resolution is effective immediately upon passage. This is the only change to the resolutions.
- Consent Agenda Item No. 3.6 – A copy of an e-mail message from Councilor Wilson was distributed to Council wherein he advised that he will not be voting on this item due to a potential conflict of interest. This item was removed for separate consideration on the Consent Agenda so that Councilor Wilson was able to vote on the remaining Consent Agenda items.
- Agenda Item 7 – Ash Creek Estates Planned Development Final Order – City Attorney Gary Firestone advised Council on options regarding public input on the final order. Accepting new testimony is not required unless the Council believes new information is presented in the materials staff has provided with regard to the adoption of the Final Order.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the meeting to order at 7:31 p.m.
- 1.2 Roll Call: Mayor Griffith; Councilors Dirksen, Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items: None

2. VISITOR'S AGENDA

- Mr. John Frewing, 7110 SW Lola Lane, Tigard, Oregon, requested the Ash Creek Estates Hearing (reference Agenda Item No. 7) be reopened to allow him to provide clarification and respond to testimony and new evidence provided by other parties at the August 12 and September 9 hearings before the Council. Mr. Frewing cited his reasons for the request for a continuance. City Attorney Firestone responded to Mr. Frewing's request just prior to the Council consideration of Agenda Item No. 7 noting that the Council could proceed with consideration of the proposed resolution unless the Council believed new evidence had been presented. Mr. Frewing's reference to his request for a continuance in his August 29, 2003, communication did not apply as the state statute Mr. Frewing referenced applied to the first evidentiary hearings, which was at the Planning Commission.
- Mr. Dan Murphy, 14070 SW Hall Boulevard, Tigard, Oregon presented the Council with a "star plaque" noting appreciation by the Broadway Rose Theatre Company for the City's support of the Theatre's 12th season.

3. **CONSENT AGENDA:** Motion by Councilor Moore, seconded by Councilor Sherwood to adopt the Consent Agenda, except for Agenda Item No. 3.6, which was considered separately:
- 3.1 Approve Council Minutes for September 23, and October 7 and 14, 2003
 - 3.2 Receive and File
 - a. Council Goal Update – Quarter 3 – 2003
 - 3.3 Approve the Submittal of an Application for a Land and Water Conservation Fund Grant to Provide Partial Funding of the Cook Park/Durham Segment of the Tualatin River Pedestrian Trail – Resolution No. 03-56
 - 3.4 Initiate Vacation Proceedings for a Portion of Public Right-of-Way Known as SW 74th Avenue (VAC2003-00001) – Resolution No. 03-57
 - 3.5 Approve the Washington County Cooperative Library Services Public Library Services Agreement
 - 3.6 Considered separately – see below.
 - 3.7 Local Contract Review Board:
 - a. Award the Contract for Engineering Services for the Next Phase of the Aquifer Storage and Recovery System Expansion to Groundwater Solutions, Inc. and Murray Smith and Associates, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

Councilor Dirksen advised of a potential conflict of interest with Item No. 3.6 as his landscaping firm submitted a proposal to Montgomery Watson Harza to furnish services in conjunction with the preparation of the environmental impact statement for this project. Subsequently Montgomery Watson Harza was selected as the consultant for that work and Councilor Wilson expected his firm would soon enter into contract negotiations. Councilor Wilson left the Council desk during the vote and did not participate in the vote on Item 3.6

Motion by Councilor Moore, seconded by Councilor Dirksen, to approved Consent Agenda Item 3.6:

- 3.6 Approve an Amendment to the Joint Funding Agreement for Integrated Water Resource Management Water Supply Feasibility Study

The motion was approved by a unanimous vote of the Council members who voted:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Did not vote.

4. PRESENTATION ON THE NEW PROVIDENCE NEWBERG MEDICAL CENTER AND HOSPITAL

Mr. Art Lutz introduced this agenda item and representatives of the new Providence Newberg Medical Center. Mr. Mark May gave a presentation on the medical center and hospital. The \$58 million regional medical facility will offer enhanced outpatient and inpatient services. A community forum will be held at the Tigard Water building on Monday, November 3, 7-8 p.m. to share information about this new facility.

5. (LOCAL CONTRACT REVIEW BOARD ITEM [LCRB]) CONSIDER APPROVING CHANGE ORDERS TO THE HALL BOULEVARD IMPROVEMENT PROJECT

- a. City Engineer Duenas presented this item; a copy of the staff report is on file with the City Recorder.
- b. After discussion clarifying the type of work that was done for the fish culvert, motion by LCRB Member Sherwood, seconded by LCRB Member Wilson, to approve the change orders to the contract with Eagle Elsner for the Hall Boulevard improvement project and authorize additional changes up to 10% of the original contract amount without further action.

The motion was approved by a unanimous vote of LCRB members present:

Board Chair Griffith	-	Yes
LCRB Board Member Dirksen	-	Yes
LCRB Board Member Moore	-	Yes
LCRB Board Member Sherwood	-	Yes
LCRB Board Member Wilson	-	Yes

6. UPDATE ON YOUTH COURT

Municipal Judge Michael O'Brien, Court Manager Nadine Robinson, and Washington County Juvenile Department Representative Mike Krueger presented

an update to the City Council. The Youth Court program for first offenders was developed in response to a 1999 statute authorizing municipal courts to assume jurisdiction over certain categories of juvenile offenses. The current program was reviewed and approved by Council and the Washington County Circuit Court in 2002. The program has been continually refined in cooperation with the Tigard Police Department, Tigard Peer Court, the Washington County Juvenile Department and the Washington County District Attorney.

There was no objection by the Council regarding the following recommendation by presenters: "The large majority (92%) of participants, with the active involvement of one or more parents, has successfully completed the Youth Court program. Recidivism and noncompliance rates have remained very low. At current levels, the Youth Court's caseload has not imposed any significant burdens on court staff or budgets. We therefore recommend that the Youth Court program continue, subject to further evaluation as part of the Municipal Court's annual review of operations next spring."

7. CONSIDER FINAL ORDER REGARDING THE ASH CREEK ESTATES PLANNED DEVELOPMENT (SUB2003-00010/PDR2003-0004/ZON2003-0003/SLR2003-00005/VAR2003-00036/VAR2003-00037)

ITEM ON APPEAL: On July 7th, 2003, the Tigard Planning Commission held a public hearing to consider an application to Subdivide 9.36 acres for a 29-lot single-family detached housing Planned Development Subdivision; Sensitive Lands Review for areas with steep (>25%) slopes, a drainage way and wetlands and; adjustments to the cul-de-sac length standard, maximum number of units permitted on a cul-de-sac, and to the street grade on SW 74th Avenue. The Planning Commission moved to deny the applications which failed in a 4-4 tie vote, then moved to approve the applications, which also failed in a 4-4 tie vote. Based on the Commission's by-laws and Robert's Rules of Order, without a majority affirmative vote, the application is denied. Since no motion was approved, no findings in support or against the application were adopted. The City Council is therefore, essentially rehearing this application to make a final determination as to whether or not it meets the relevant criteria of the Development Code. LOCATION: 9750 SW 74th Avenue; WCTM 1S125DC, Tax Lots 300 and 400. ZONE: R-4.5: Low-Density Residential District. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.350, 18.370, 18.380, 18.390, 18.430, 18.510, 18.705, 18.715, 18.725, 18.745, 18.755, 18.765, 18.790, 18.795 and 18.810.

- a. Associate Planner Morgan Tracy presented the staff report, which is on file with the City Recorder.

- b. City Attorney Firestone responded to Mr. Frewing's request just prior to the Council consideration of Agenda Item No. 7 noting that the Council could proceed with consideration of the proposed resolution unless the Council believed new evidence had been presented. Mr. Frewing's reference to his request for a continuance in his August 29, 2003, communication did not apply as the state statute Mr. Frewing referenced applied to the first evidentiary hearings, which was at the Planning Commission.
- c. Motion by Councilor Dirksen, seconded by Councilor Sherwood, to approve Resolution No. 03-58. During discussion on the motion, Council members indicated they did not believe the proposed findings contained new information.

RESOLUTION NO. 03-58 -- A RESOLUTION AND FINAL ORDER APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037), ADOPTING FINDINGS AND IMPOSING CONDITIONS.

The motion was approved by a unanimous vote of Council present:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

8. CONSIDER AMENDING RESOLUTIONS NOS. 03-25 AND 02-28 TO INCREASE CERTAIN FEES FOR ENGINEERING AND LAND USE PLANNING

Budget and Finance Analyst Michelle Wareing presented the staff report on staff's recommendation that the Council adopt the proposed resolution to amend the Master Fees and Charges Schedule and update certain fees. Letters to the Homebuilder's Association were sent; no response was received.

Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 03-59:

RESOLUTION NO. 03-59 - A RESOLUTION AMENDING RESOLUTIONS NO. 03-25 AND NO. 02-38 BY AMENDING EXHIBIT A THERETO AND INCREASING CERTAIN FEES FOR ENGINEERING, LAND USE PLANNING,

AND MODIFYING THE INDEX PERIOD USED FOR THE ANNUAL
ADJUSTMENT OF THE LAND USE PLANNING FEES

The motion was approved by a unanimous vote of Council present:

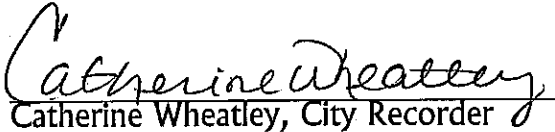
Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. COUNCIL LIAISON REPORTS: None

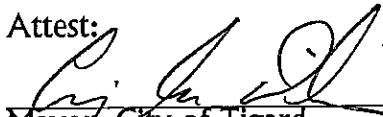
10. NON AGENDA ITEMS: None

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 8:47 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard
Council President
Date: 12.2.03

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